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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,856	08/22/2003	Krishnan Tamareselvy	200PP329A	1520
37535 7590 03/19/2007 LEGAL DEPARTMENT NOVEON, INC. 9911 BRECKSVILLE ROAD CLEVELAND, OH 44141-3247			EXAMINER CHANNAVAJALA, LAKSHMI SARADA	
			ART UNIT	PAPER NUMBER
			1615	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
31 DAYS		03/19/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



### **DETAILED ACTION**

Applicants' response dated 12-21-06 is acknowledged.

1. While applicants elected group I, drawn to a polymer, upon careful consideration the previous election/restriction has been withdrawn and the following detailed restriction requirement has been applied.

#### ***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-34, drawn to a polymer, classified in class 526, and subclass 303.1.
- II. Claims 35-36, drawn to a process of preparation of a polymer, classified in class 526, subclass 317.1.
- III. Claims 38-42 and 51-67, drawn to a composition or a formulation or a polymer emulsion, classified in class 524, subclass 80.
- IV. Claims 68-71, drawn to a hair care or a skin care composition, classified in class 424, subclasses 401 and 70.1.

3. The inventions are distinct, each from the other because of the following reasons:

4. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case a different process (other than emulsion

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polymerization) such as suspension polymerization can be employed to produce the claimed polymer.

5. Inventions I and III are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the polymer of group I can be used for different purposes exemplified in claims 37-71 i.e., household, textile, paints etc.

6. Inventions I and IV are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the polymer of group I can be employed in a hair or skin composition for hair fixing or skin conditioning property or for household cleaning or a paint composition.

7. Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions the process of preparation of group II has different operation from

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the method of using the polymer (group IV) because the latter requires the polymer to be formulated as a cleanser by adding additional ingredients, which are not required for the process of preparing.

8. Inventions II and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions the process of preparation of group II has different operation from the method of using the polymer (group IV) because the latter requires the polymer to be formulated as a hair or skin care composition whereas the process does not require the formulation of the polymer into a composition.

9. Inventions III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions have different effects i.e., a hair or skin care composition employing the instant polymer results in hair fixing and/or styling or skin conditioning property, which is different from a household cleaning or a paint composition because hair fixing or condition has a different effect from household cleansing or paint composition.

9. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required

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because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

10. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

11. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**12. Upon electing group I applicants are further required to elect an ultimate species of monomer from each of the following 3 monomers, which the polymer is composed. A specific chemical structure must be elected for each monomer. The disposition of the monomer in the final polymer (graft, random, block etc.) must also be elected :**

1. Elect an ultimate species of hydrophobic monomers (for example the possible monomers listed in claim 3),

2. Elect an ultimate species of associative vinyl monomer (for example the possible species of claim 5) and

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3. Elect an ultimate species of semi-hydrophobic vinyl surfactant monomer (for example the possible species of claims 7 and 8).

13. The species are independent or distinct because the resulting polymers have a different chemical structure and have different physicochemical properties based on their different monomeric components and their disposition relative to each other. For example a random copolymer of monomers A and B has a different structure and property from a block copolymer comprising the same monomers.

**Upon electing group III applicants are further required to elect an ultimate species of polymeric composition:**

1. A polymer formulation or composition containing water.

2. A polymeric formulation or composition or an emulsion comprising a surfactant.

14. The species are independent or distinct because a composition comprising the claimed polymer and water does not require a surfactant whereas a polymer composition comprising a surfactant and hence have different utilities.

15. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 38 and 64 are generic.

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16. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

17. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

18. Due to the lengthy restriction requirement, a telephone call has not been made to applicants' representative.

19. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

20. The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

21. Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of



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record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

22. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

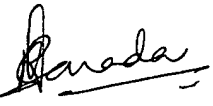
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lakshmi S. Channavajjala whose telephone number is 571-272-0591. The examiner can normally be reached on 7.00 AM -4.00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AU 1615  
March 14, 2007

  
LAKSHMI S. CHANNAVAJJALA  
PRIMARY EXAMINER